

**Senator Ed Mayne** proposes the following substitute bill:

**PETE SUAZO UTAH ATHLETIC COMMISSION**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ed Mayne**

House Sponsor: Gregory H. Hughes

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**LONG TITLE**

**General Description:**

This bill moves the Pete Suazo Utah Athletic Commission to the Department of Community and Culture and makes changes concerning the commission.

**Highlighted Provisions:**

This bill:

- ▶ moves the Pete Suazo Utah Athletic Commission from the Department of Commerce to the Department of Community and Culture;
- ▶ defines terms;
- ▶ exempts sparring from the prohibition on club fighting;
- ▶ temporarily reduces the size of the commission from five to three members;
- ▶ addresses the manner of appointment of commission members;
- ▶ eliminates the required licensing of security guards;
- ▶ eliminates provisions relating to evaluating a licensee's good character;
- ▶ changes the manner of calculating a fee for holding a contest or event;
- ▶ eliminates a provision requiring reports relevant to the calculation of the fee for a contest or event;
- ▶ provides for the transition of licenses issued by the Department of Commerce to the Department of Community and Culture;



- 26           ▶ addresses commission approval of a contest;
- 27           ▶ addresses the provision of medical information concerning a contestant to the
- 28 commission;
- 29           ▶ provides for the appointment and authority of a ringside physician;
- 30           ▶ allows the commission to make rules governing the conduct of a contest;
- 31           ▶ provides for the formation of an ad hoc working group to consider statutory and
- 32 administrative changes; and
- 33           ▶ makes technical changes.

**34 Monies Appropriated in this Bill:**

35           None

**36 Other Special Clauses:**

37           This bill takes effect on July 1, 2007.

38           This bill coordinates with S.B. 167, Utah Sports Authority, by providing that this S.B.  
39 162 does not take effect.

**40 Utah Code Sections Affected:**

41 ENACTS:

42           **9-16-407**, Utah Code Annotated 1953

43           **9-16-505**, Utah Code Annotated 1953

44 RENUMBERS AND AMENDS:

45           **9-16-101**, (Renumbered from 13-33-101, as last amended by Chapter 9, Laws of Utah  
46 2001, Second Special Session)

47           **9-16-102**, (Renumbered from 13-33-102, as last amended by Chapter 72, Laws of Utah  
48 2006)

49           **9-16-201**, (Renumbered from 13-33-201, as last amended by Chapter 72, Laws of Utah  
50 2006)

51           **9-16-202**, (Renumbered from 13-33-202, as last amended by Chapter 72, Laws of Utah  
52 2006)

53           **9-16-203**, (Renumbered from 13-33-203, as last amended by Chapter 72, Laws of Utah  
54 2006)

55           **9-16-204**, (Renumbered from 13-33-204, as enacted by Chapter 91, Laws of Utah 2001)

56           **9-16-205**, (Renumbered from 13-33-205, as enacted by Chapter 91, Laws of Utah 2001)

- 57           **9-16-301**, (Renumbered from 13-33-301, as last amended by Chapter 72, Laws of Utah  
58 2006)
- 59           **9-16-302**, (Renumbered from 13-33-302, as enacted by Chapter 91, Laws of Utah 2001)
- 60           **9-16-303**, (Renumbered from 13-33-303, as last amended by Chapter 72, Laws of Utah  
61 2006)
- 62           **9-16-304**, (Renumbered from 13-33-304, as last amended by Chapter 304, Laws of  
63 Utah 2002)
- 64           **9-16-305**, (Renumbered from 13-33-305, as enacted by Chapter 91, Laws of Utah 2001)
- 65           **9-16-401**, (Renumbered from 13-33-401, as last amended by Chapter 72, Laws of Utah  
66 2006)
- 67           **9-16-402**, (Renumbered from 13-33-402, as last amended by Chapter 104, Laws of  
68 Utah 2005)
- 69           **9-16-403**, (Renumbered from 13-33-403, as last amended by Chapter 72, Laws of Utah  
70 2006)
- 71           **9-16-404**, (Renumbered from 13-33-404, as last amended by Chapter 72, Laws of Utah  
72 2006)
- 73           **9-16-405**, (Renumbered from 13-33-405, as last amended by Chapter 104, Laws of  
74 Utah 2005)
- 75           **9-16-406**, (Renumbered from 13-33-406, as enacted by Chapter 72, Laws of Utah 2006)
- 76           **9-16-408**, (Renumbered from 13-33-503, as enacted by Chapter 91, Laws of Utah 2001)
- 77           **9-16-409**, (Renumbered from 13-33-504, as last amended by Chapter 72, Laws of Utah  
78 2006)
- 79           **9-16-501**, (Renumbered from 13-33-505, as enacted by Chapter 91, Laws of Utah 2001)
- 80           **9-16-502**, (Renumbered from 13-33-506, as last amended by Chapter 17, Laws of Utah  
81 2004)
- 82           **9-16-503**, (Renumbered from 13-33-507, as enacted by Chapter 104, Laws of Utah  
83 2005)
- 84           **9-16-504**, (Renumbered from 13-33-508, as last amended by Chapter 72, Laws of Utah  
85 2006)
- 86 REPEALS:
- 87           **13-33-502**, as last amended by Chapter 9, Laws of Utah 2001, Second Special Session

88 **Uncodified Material Affected:**  
89 ENACTS UNCODIFIED MATERIAL



91 *Be it enacted by the Legislature of the state of Utah:*

92 Section 1. Section **9-16-101**, which is renumbered from Section 13-33-101 is  
93 renumbered and amended to read:

94 **CHAPTER 16. PETE SUAZO UTAH ATHLETIC COMMISSION ACT**

95 **Part 1. General Provisions**

96 ~~[13-33-101].~~ **9-16-101. Title.**

97 This chapter is known as the "Pete Suazo Utah Athletic Commission Act."

98 Section 2. Section **9-16-102**, which is renumbered from Section 13-33-102 is  
99 renumbered and amended to read:

100 ~~[13-33-102].~~ **9-16-102. Definitions.**

101 As used in this chapter:

102 (1) "Bodily injury" is as defined in Section 76-1-601.

103 (2) "Boxing" means the sport of attack and defense using the fist, which is covered by  
104 an approved boxing glove.

105 (3) (a) "Club fighting" means any contest of unarmed combat, whether admission is  
106 charged or not, where:

107 ~~(a)~~ (i) the rules of the contest are not approved by the commission;

108 ~~(b)~~ (ii) a licensed physician or osteopath is not in attendance;

109 ~~(c)~~ (iii) an HIV negative test regarding each contestant not less than 180 days before  
110 the contest has not been provided to the commission;

111 ~~(d)~~ (iv) the contest is not conducted in accordance with commission rules; or

112 ~~(e)~~ (v) the contestants are not matched by the weight standards described in Section

113 ~~[13-33-507]~~ 9-16-503.

114 (b) "Club fighting" does not include sparring if:

115 (i) it is conducted for training purposes;

116 (ii) no tickets are sold to spectators;

117 (iii) no concessions are available for spectators;

118 (iv) protective clothing, including protective headgear, a mouthguard, and a protective

119 cup, is worn; and

120 (v) for boxing, 16 ounce boxing gloves are worn.

121 (4) "Commission" means the Pete Suazo Utah Athletic Commission created in this  
122 chapter.

123 (5) "Contest" means a live match, performance, or exhibition involving two or more  
124 persons engaged in unarmed combat.

125 (6) "Contestant" means an individual who participates in a contest.

126 (7) "Department" means the Department of [~~Commerce~~] Community and Culture.

127 (8) "Designated commission member" means a member of the commission designated  
128 to:

129 (a) attend and supervise a particular contest; and

130 (b) act on the behalf of the commission at a contest venue.

131 (9) "Elimination boxing contest" means[~~:(a)~~] a contest where;

132 (a) a number of contestants participate in a tournament;

133 (b) [~~over a period of time not exceeding~~] the duration is not more than 48 hours; and

134 (c) the loser of each contest is eliminated from further competition.

135 [~~(10) "Executive director" means the executive director of the Department of~~  
136 ~~Commerce.~~]

137 [~~(11)~~] (10) "Exhibition" means an engagement in which the participants show or  
138 display their skills without necessarily striving to win.

139 [~~(12)~~] (11) "Judge" means an individual qualified by training or experience to:

140 (a) rate the performance of contestants;

141 (b) score a contest; and

142 (c) determine with other judges whether there is a winner of the contest or whether the  
143 contestants performed equally, resulting in a draw.

144 [~~(13)~~] (12) "Licensee" means an individual licensed by the commission to act as a:

145 (a) contestant;

146 (b) judge;

147 (c) manager;

148 (d) promoter;

149 (e) referee; or

150 (f) second~~[;or]~~.

151 [~~(g) security guard;~~]

152 [~~(14)~~] (13) "Manager" means an individual who represents a contestant for the  
153 purposes of:

154 (a) obtaining a contest for a contestant;

155 (b) negotiating terms and conditions of the contract under which the contestant will  
156 engage in a contest; or

157 (c) arranging for a second for the contestant at a contest.

158 [~~(15)~~] (14) "Promoter" means a person who engages in producing or staging contests  
159 and promotions.

160 [~~(16)~~] (15) "Promotion" means a single contest or a combination of contests that:

161 (a) occur during the same time and at the same location; and [~~that~~]

162 (b) is produced or staged by a promoter.

163 [~~(17)~~] (16) "Purse" means any money, prize, remuneration, or any other valuable  
164 consideration a contestant receives or may receive for participation in a contest.

165 [~~(18)~~] (17) "Referee" means an individual qualified by training or experience to act as  
166 the official attending a contest at the point of contact between contestants for the purpose of:

167 (a) enforcing the rules relating to the contest;

168 (b) stopping the contest in the event the health, safety, and welfare of a contestant or  
169 any other person in attendance at the contest is in jeopardy; and

170 (c) to act as a judge if so designated by the commission.

171 [~~(19)~~] (18) "Round" means one of a number of individual time periods that, taken  
172 together, constitute a contest during which contestants are engaged in a form of unarmed  
173 combat.

174 [~~(20)~~] (19) "Second" means an individual who attends a contestant at the site of the  
175 contest before, during, and after the contest in accordance with contest rules.

176 [~~(21)~~] (20) "Secretary" means the secretary of the Pete Suazo Utah Athletic  
177 Commission.

178 [~~(22)~~] (21) "Serious bodily injury" is as defined in Section 76-1-601.

179 [~~(23)~~] (22) "Total gross receipts" means the amount of the face value of all tickets sold  
180 to a particular contest plus any sums received as consideration for holding the contest at a

181 particular location.

182 ~~[(24)]~~ (23) "Ultimate fighting" means a live contest, whether or not an admission fee is  
183 charged, in which:

184 (a) contest rules permit contestants to use a combination of boxing, kicking, wrestling,  
185 hitting, punching, or other combative[?] contact techniques;

186 (b) contest rules incorporate a formalized system of combative techniques against  
187 which a contestant's performance is judged to determine the prevailing contestant;

188 (c) contest rules divide nonchampionship contests into three equal and specified rounds  
189 of no more than five minutes per round with a rest period of one minute between each round;

190 (d) contest rules divide championship contests into five equal and specified rounds of  
191 no more than five minutes per round with a rest period of one minute between each round; and

192 (e) contest rules prohibit contestants from:

193 (i) using anything that is not part of the human body, except for boxing gloves, to  
194 intentionally inflict serious bodily injury upon an opponent through direct contact or the  
195 expulsion of a projectile;

196 (ii) striking a person who demonstrates an inability to protect himself from the  
197 advances of an opponent;

198 (iii) biting; or

199 (iv) direct, intentional, and forceful strikes to the eyes, groin area, adam's apple area of  
200 the neck, and temple area of the head.

201 ~~[(25)]~~ (24) (a) "Unarmed combat" means boxing or any other form of competition in  
202 which a blow is usually struck which may reasonably be expected to inflict bodily injury.

203 (b) "Unarmed combat" does not include a competition or exhibition between  
204 participants in which the participants engage in simulated combat for entertainment purposes.

205 ~~[(26)]~~ (25) "Unlawful conduct" means organizing, promoting, or participating in a  
206 contest which involves contestants that are not licensed under this chapter.

207 ~~[(27)]~~ (26) "Unprofessional conduct" means:

208 (a) entering into a contract for a contest in bad faith;

209 (b) participating in any sham or fake contest;

210 (c) participating in a contest pursuant to a collusive understanding or agreement in  
211 which the contestant competes in or terminates the contest in a manner that is not based upon

212 honest competition or the honest exhibition of the skill of the contestant;

213 (d) engaging in an act or conduct that is detrimental to a contest, including any foul or  
214 unsportsmanlike conduct in connection with a contest;

215 (e) failing to comply with any limitation, restriction, or condition placed on a license;

216 (f) striking of a downed opponent by a contestant while the contestant remains on the  
217 contestant's feet unless the commission, following a hearing conducted under Subsection  
218 ~~[13-33-404]~~ 9-16-404(3) and before the contest, has exempted the contest and each contestant  
219 from this Subsection ~~[(27)]~~ (26)(f);

220 (g) after entering the ring or contest area, penetrating an area within four feet of an  
221 opponent by a contestant, manager or second before the commencement of the contest; or

222 (h) as further defined by ~~[rule]~~ rules made by the commission under Title 63, Chapter  
223 46a, Utah Administrative Rulemaking Act.

224 (27) "White-collar contest" means a contest conducted at a training facility where no  
225 alcohol is served in which:

226 (a) for boxing:

227 (i) neither contestant is or has been a licensed contestant in any state or an amateur  
228 registered with USA Boxing, Inc.;

229 (ii) no cash prize, or other prize valued at greater than \$35, is awarded;

230 (iii) protective clothing, including protective headgear, a mouthguard, a protective cup,  
231 and for a female contestant a chestguard, is worn;

232 (iv) 16 ounce boxing gloves are worn;

233 (v) the contest is no longer than three rounds of no longer than three minutes each;

234 (vi) no winner is declared; and

235 (vii) the contestants do not compete in a cage; and

236 (b) for ultimate fighting:

237 (i) neither contestant is or has been a licensed contestant in any state or an amateur  
238 registered with USA Boxing, Inc.;

239 (ii) no cash prize, or other prize valued at greater than \$35, is awarded;

240 (iii) protective clothing, including a protective mouthguard and a protective cup, is  
241 worn;

242 (iv) elbow strikes are not allowed;

- 243 (v) a contestant is not allowed to stand and strike a downed opponent;  
 244 (vi) a closed-hand blow to the head is not allowed while either contestant is on the  
 245 ground;  
 246 (vii) the contest is no longer than three rounds of no longer than three minutes each;  
 247 and  
 248 (viii) no winner is declared.

249 Section 3. Section **9-16-201**, which is renumbered from Section 13-33-201 is  
 250 renumbered and amended to read:

251 **Part 2. Commission**

252 ~~[13-33-201].~~ **9-16-201. Commission -- Creation -- Appointments -- Terms**  
 253 **-- Expenses -- Quorum.**

254 ~~[(1) There is created within the Department of Commerce the Pete Suazo Utah Athletic~~  
 255 ~~Commission consisting of five members.]~~

256 ~~[(2) (a) The commission members shall be appointed by the executive director.]~~

257 ~~[(b) The commission members may not be licensees under this chapter.]~~

258 ~~[(c) The names of all persons appointed to the commission shall be submitted to the~~  
 259 ~~governor for confirmation or rejection.]~~

260 ~~[(3) (a) Except as required by Subsection (3)(b), as terms of current members expire,~~  
 261 ~~the executive director shall appoint each new member or reappointed member to a four-year~~  
 262 ~~term.]~~

263 ~~[(b) Notwithstanding the requirements of Subsection (3)(a), the executive director~~  
 264 ~~shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the~~  
 265 ~~terms of members are staggered so that approximately half of the commission is appointed~~  
 266 ~~every two years.]~~

267 ~~[(c) A member may not serve more than two consecutive full terms, and a member who~~  
 268 ~~ceases to serve on the commission may not serve again on the commission until after the~~  
 269 ~~expiration of a two-year period beginning from that cessation of service.]~~

270 ~~[(d) When a vacancy occurs in the membership for any reason, the replacement shall be~~  
 271 ~~appointed for the unexpired term.]~~

272 ~~[(e) If a commission member fails or refuses to fulfill the responsibilities and duties of~~  
 273 ~~a commission member, including the attendance at commission meetings, the executive~~

274 director, with the approval of the commission, may remove the commission member and  
275 replace the member in accordance with this section.]

276 (1) There is created within the department the Pete Suazo Utah Athletic Commission  
277 consisting of:

278 (a) three members until December 31, 2007; and

279 (b) five members beginning on January 1, 2008.

280 (2) (a) The governor, president of the Senate, and speaker of the House shall each  
281 appoint one commission member.

282 (b) Beginning on January 1, 2008, the governor shall appoint two additional  
283 commission members.

284 (c) The commission members may not be licensees under this chapter.

285 (3) (a) Except as required by Subsection (3)(b), as terms of current members expire, the  
286 governor, president, or speaker, respectively, shall appoint each new member or reappointed  
287 member to a four-year term.

288 (b) The governor shall, at the time of appointment or reappointment, adjust the length  
289 of the governor's appointees' terms to ensure that the terms of members are staggered so that  
290 approximately half of the of the commission is appointed every two years.

291 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
292 appointed for the unexpired term.

293 (d) If a commission member fails or refuses to fulfill the responsibilities and duties of a  
294 commission member, including the attendance at commission meetings, the governor,  
295 president, or speaker, respectively, with the approval of the commission, may remove the  
296 commission member and replace the member in accordance with this section.

297 (4) A majority of the commission members constitutes a quorum. A quorum is  
298 sufficient authority for the commission to act.

299 (5) (a) (i) Members who are not government employees shall receive no compensation  
300 or benefits for their services, but may receive per diem and expenses incurred in the  
301 performance of the member's official duties at the rates established by the Division of Finance  
302 under Sections 63A-3-106 and 63A-3-107.

303 (ii) Members may decline to receive per diem and expenses for their service.

304 (b) (i) State government officer and employee members who do not receive salary, per

305 diem, or expenses from their agency for their service may receive per diem and expenses  
306 incurred in the performance of their official duties at the rates established by the Division of  
307 Finance under Sections 63A-3-106 and 63A-3-107.

308 (ii) State government officer and employee members may decline to receive per diem  
309 and expenses for their service.

310 (6) The commission shall annually designate one of its members to serve as chair for a  
311 one-year period.

312 (7) A commission member may not serve more than two consecutive full terms, and a  
313 member who ceases to serve on the commission may not serve again on the commission until  
314 after the expiration of a two-year period beginning from that cessation of service.

315 Section 4. Section **9-16-202**, which is renumbered from Section 13-33-202 is  
316 renumbered and amended to read:

317 ~~[13-33-202].~~ **9-16-202. Commission powers and duties.**

318 (1) The commission shall:

319 (a) purchase and use a seal;

320 (b) adopt rules for the administration of this chapter in accordance with Title 63,  
321 Chapter 46a, Utah Administrative Rulemaking Act;

322 (c) prepare all forms of contracts between sponsors, licensees, promoters, and  
323 contestants; and

324 (d) hold hearings relating to matters under its jurisdiction, including violations of this  
325 chapter or rules promulgated under this chapter.

326 (2) The commission may subpoena witnesses, take evidence, and require the  
327 production of books, papers, documents, records, contracts, recordings, tapes, correspondence,  
328 or other information relevant to an investigation if the commission or its designee considers it  
329 necessary.

330 ~~[(3)(a) The commission shall maintain a list of ringside physicians registered with the~~  
331 ~~commission as approved to act as a ringside physician and meeting the requirements of~~  
332 ~~Subsection (3)(c).]~~

333 ~~[(b) The commission shall appoint a registered ringside physician to perform the duties~~  
334 ~~of a ringside physician at each contest held pursuant to this chapter.]~~

335 ~~[(c) An applicant for registration as a ringside physician shall:]~~

- 336 [~~(i) submit an application for registration;~~]
- 337 [~~(ii) pay a fee determined by the commission under Section 63-38-3.2;~~]
- 338 [~~(iii) provide the commission with evidence of the applicant's licensure to practice~~
- 339 ~~medicine in the state; and]~~
- 340 [~~(iv) satisfy minimum qualifications established by the department by rule.]~~

341 Section 5. Section **9-16-203**, which is renumbered from Section 13-33-203 is  
342 renumbered and amended to read:

343 ~~[13-33-203].~~            **9-16-203. Commission secretary.**

344 (1) The commission shall employ a secretary to conduct the commission's business,  
345 and who ~~[must]~~ may not be a member of the commission.

346 (2) The secretary serves at the pleasure of the commission.

347 Section 6. Section **9-16-204**, which is renumbered from Section 13-33-204 is  
348 renumbered and amended to read:

349 ~~[13-33-204].~~            **9-16-204. Inspectors.**

350 (1) The commission may appoint one or more official representatives to be designated  
351 as inspectors ~~[which]~~, who shall serve at the pleasure of the commission.

352 (2) Each inspector must receive from the commission a card authorizing that inspector  
353 to act as an inspector for the commission.

354 (3) An inspector may not promote or sponsor any contest.

355 (4) Each inspector is entitled to receive a fee approved by the commission for the  
356 performance of duties under this chapter.

357 Section 7. Section **9-16-205**, which is renumbered from Section 13-33-205 is  
358 renumbered and amended to read:

359 ~~[13-33-205].~~            **9-16-205. Affiliation with other commissions.**

360 The commission ~~[shall have the authority to]~~ may affiliate with any other state or  
361 national boxing commission or athletic authority.

362 Section 8. Section **9-16-301**, which is renumbered from Section 13-33-301 is  
363 renumbered and amended to read:

364 **Part 3. Licensing**

365 ~~[13-33-301].~~            **9-16-301. Licensing.**

366 (1) A license is required for a person to act as or to represent that the person is a:

- 367 (a) promoter;
- 368 (b) manager;
- 369 (c) contestant;
- 370 (d) second;
- 371 (e) referee; or
- 372 (f) judge[; ~~or~~].

373 [~~(g) security guard.~~]

374 (2) The commission shall issue to a person who qualifies under this chapter a license in  
375 the classifications of:

- 376 (a) promoter;
- 377 (b) manager;
- 378 (c) contestant;
- 379 (d) second;
- 380 (e) referee; or
- 381 (f) judge[; ~~or~~].

382 [~~(g) security guard.~~]

383 (3) All moneys collected pursuant to this section and Sections [~~13-33-304, 13-33-403,~~  
384 ~~and 13-33-504~~] 9-16-305, 9-16-403, 9-16-406, and 9-16-409, shall be deposited in the  
385 [~~Commerce Service Fund~~] General Fund.

386 (4) Each applicant for licensure as a promoter shall:

- 387 (a) submit an application in a form prescribed by the commission;
- 388 (b) pay the fee determined by the [~~department~~] commission under Section 63-38-3.2;
- 389 (c) provide to the commission evidence of financial responsibility, which shall include  
390 financial statements and other information that the commission may reasonably require to  
391 determine that the applicant or licensee is able to competently perform as and meet the  
392 obligations of a promoter in this state;

393 (d) produce information, documentation, and assurances as may be required to  
394 establish by a preponderance of the evidence the applicant's reputation for good character,  
395 honesty, integrity, and responsibility, which shall include information, documentation, and  
396 assurances that the applicant:

397 [~~(i) has not and at the time of application is not associating or consorting with a person~~]

398 ~~engaging in illegal activity to the extent that the association or consorting represents a threat to~~  
399 ~~the conduct of contests in the public's interest within the state, or a threat to the health, safety,~~  
400 ~~and welfare of the applicant or a licensed contestant;]~~

401 [(ii)] (i) has not been convicted of a crime in any jurisdiction which the commission  
402 determines by the nature of the crime and circumstances surrounding the crime should  
403 disqualify the applicant from licensure in the public interest;

404 [~~(iii) is not associating or consorting with a person who has been convicted of a felony~~  
405 ~~in any jurisdiction to the extent that the association or consorting represents a threat to the~~  
406 ~~conduct of contests in the public's interest within the state, or a threat to the health, safety, and~~  
407 ~~welfare of the applicant or a licensed contestant;]~~

408 [~~(iv) is not associating or consorting with a person engaging in illegal gambling or~~  
409 ~~similar pursuits to the extent that the association or consorting represents a threat to the~~  
410 ~~conduct of contests in the public's interest within the state, or a threat to the health, safety, and~~  
411 ~~welfare of the applicant or a licensed contestant;]~~

412 [~~(v)] (ii) is not engaging in illegal gambling with respect to sporting events or gambling~~  
413 ~~with respect to the promotions the applicant is promoting;~~

414 [~~(vi)] (iii) has not been found in [~~an administrative;~~] a criminal[;] or civil proceeding to~~  
415 ~~have engaged in or attempted to engage in any fraud or misrepresentation in connection with a~~  
416 ~~contest or any other sporting event; and~~

417 [~~(vii)] (iv) has not been found in [~~an administrative;~~] a criminal[;] or civil proceeding~~  
418 ~~to have violated or attempted to violate any law with respect to a contest in any jurisdiction or~~  
419 ~~any law, rule, or order relating to the regulation of contests in this state or any other~~  
420 ~~jurisdiction;~~

421 (e) acknowledge in writing to the commission receipt, understanding, and intent to  
422 comply with this chapter and the rules made under this chapter; and

423 (f) if requested by the commission or the secretary, meet with the commission or the  
424 secretary to examine the applicant's qualifications for licensure.

425 (5) Each applicant for licensure as a contestant shall:

426 (a) be not less than 18 years of age at the time the application is submitted to the  
427 commission;

428 (b) submit an application in a form prescribed by the commission;

429 (c) pay the fee established by the [~~department~~] commission under Section 63-38-3.2;

430 (d) provide a certificate of physical examination, dated not more than 60 days prior to  
431 the date of application for license, in a form provided by the commission, completed by a  
432 licensed physician and surgeon certifying that the applicant is free from any physical or mental  
433 condition that indicates the applicant should not engage in activity as a contestant;

434 (e) provide the commission with an accurate history of all matches that the applicant  
435 has engaged in since becoming a contestant, including information on whether the applicant  
436 won or lost each contest, and the matches in which there was a knockout or technical knockout;

437 (f) produce information, documentation, and assurances as may be required to establish  
438 by a preponderance of the evidence the applicant's reputation for good character, honesty,  
439 integrity, and responsibility, which shall include information, documentation, and assurances  
440 that the applicant:

441 [~~(i) has not and at the time of application is not associating or consorting with a person~~  
442 ~~engaging in illegal activity to the extent that the association or consorting represents a threat to~~  
443 ~~the conduct of contests in the public's interest within the state, or a threat to the health, safety,~~  
444 ~~and welfare of the applicant or a licensed contestant;]~~

445 [(ii)] (i) has not been convicted of a crime in any jurisdiction which the commission  
446 determines by the nature of the crime and circumstances surrounding that crime should  
447 disqualify the applicant from licensure in the public interest;

448 [~~(iii) is not associating or consorting with any person who has been convicted of a~~  
449 ~~felony in any jurisdiction to the degree that the commission finds that the association or~~  
450 ~~consorting represents a threat to the conduct of contests in the public's interest within the state,~~  
451 ~~or a threat to the health, safety, and welfare of the applicant or a licensed contestant;]~~

452 [~~(iv) is not associating or consorting with a person engaging in illegal gambling or~~  
453 ~~similar pursuits or a person gambling with respect to the promotion for which the applicant is~~  
454 ~~receiving a license to the extent that the association or consorting represents a threat to the~~  
455 ~~conduct of contests in the public's interest within the state, or a threat to the health, safety, and~~  
456 ~~welfare of the applicant or a licensed contestant;]~~

457 [~~(v)~~] (ii) is not engaging in illegal gambling with respect to sporting events or gambling  
458 with respect to a contest in which the applicant will participate;

459 [~~(vi)~~] (iii) has not been found in [~~an administrative,~~] a criminal[;] or civil proceeding to

460 have engaged in or attempted to have engaged in any fraud or misrepresentation in connection  
461 with a contest or any other sporting event; and

462 ~~[(vii)]~~ (iv) has not been found in ~~[an administrative,]~~ a criminal~~;~~ or civil proceeding  
463 to have violated or attempted to violate any law with respect to contests in any jurisdiction or  
464 any law, rule, or order relating to the regulation of contests in this state or any other  
465 jurisdiction;

466 (g) acknowledge in writing to the commission receipt, understanding, and intent to  
467 comply with this chapter and the rules made under this chapter; and

468 (h) if requested by the commission or the secretary, meet with the commission or the  
469 secretary to examine the applicant's qualifications for licensure.

470 (6) Each applicant for licensure as a manager or second shall:

471 (a) submit an application in a form prescribed by the commission;

472 (b) pay a fee determined by the ~~[department]~~ commission under Section 63-38-3.2;

473 (c) produce information, documentation, and assurances as may be required to  
474 establish by a preponderance of the evidence the applicant's reputation for good character,  
475 honesty, integrity, and responsibility, which shall include information, documentation, and  
476 assurances that the applicant:

477 ~~[(i) has not and at the time of application is not associating or consorting with a person  
478 engaging in illegal activity to the extent that the association or consorting represents a threat to  
479 the conduct of contests in the public's interest within the state, or a threat to the health, safety,  
480 and welfare of the applicant or a licensed contestant;]~~

481 ~~[(ii)]~~ (i) has not been convicted of a crime in any jurisdiction which the commission  
482 determines by the nature of the crime and circumstances surrounding that crime should  
483 disqualify the applicant from licensure in the public interest;

484 ~~[(iii) is not associating or consorting with any person who has been convicted of a  
485 felony in any jurisdiction to the degree that the commission finds that the association or  
486 consorting represents a threat to the conduct of contests in the public's interest within the state,  
487 or a threat to the health, safety, and welfare of the applicant or a licensed contestant;]~~

488 ~~[(iv) is not associating or consorting with a person engaging in illegal gambling or  
489 similar pursuits or a person gambling with respect to the promotion for which the applicant is  
490 receiving a license to the extent that the association or consorting represents a threat to the~~

491 ~~conduct of contests in the public's interest within the state, or a threat to the health, safety, and~~  
492 ~~welfare of the applicant or a licensed contestant;]~~

493 ~~[(v)]~~ (ii) is not engaging in illegal gambling with respect to sporting events or gambling  
494 with respect to a contest in which the applicant is participating;

495 ~~[(vi)]~~ (iii) has not been found in ~~[an administrative,] a criminal[;]~~ or civil proceeding to  
496 have engaged in or attempted to have engaged in any fraud or misrepresentation in connection  
497 with a contest or any other sporting event; and

498 ~~[(vii)]~~ (iv) has not been found in ~~[an administrative,] a criminal[;]~~ or civil proceeding  
499 to have violated or attempted to violate any law with respect to a contest in any jurisdiction or  
500 any law, rule, or order relating to the regulation of contests in this state or any other  
501 jurisdiction;

502 (d) acknowledge in writing to the commission receipt, understanding, and intent to  
503 comply with this chapter and the rules made under this chapter; and

504 (e) if requested by the commission or secretary, meet with the commission or the  
505 secretary to examine the applicant's qualifications for licensure.

506 (7) Each applicant for licensure as a referee or judge shall:

507 (a) submit an application in a form prescribed by the commission;

508 (b) pay a fee determined by the ~~[department]~~ commission under Section 63-38-3.2;

509 (c) produce information, documentation, and assurances as may be required to  
510 establish by a preponderance of the evidence the applicant's reputation for good character,  
511 honesty, integrity, and responsibility, which shall include information, documentation, and  
512 assurances that the applicant:

513 ~~[(i) has not and at the time of application is not associating or consorting with a person~~  
514 ~~engaging in illegal activity to the extent that the association or consorting represents a threat to~~  
515 ~~the conduct of contests in the public's interest within the state, or a threat to the health, safety,~~  
516 ~~and welfare of the applicant or a licensed contestant;]~~

517 ~~[(ii)]~~ (i) has not been convicted of a crime in any jurisdiction which the commission  
518 determines by the nature of the crime and circumstances surrounding the crime should  
519 disqualify the applicant from licensure in the public interest;

520 ~~[(iii) is not associating or consorting with any person who has been convicted of a~~  
521 ~~felony in any jurisdiction to the extent that the association or consorting represents a threat to~~

522 the conduct of contests in the public's interest within the state, or a threat to the health, safety,  
523 and welfare of the applicant or a licensed contestant;]

524 [~~(iv)~~ is not associating or consorting with a person engaging in illegal gambling or  
525 similar pursuits or a person gambling with respect to the promotion for which the applicant is  
526 receiving a license to the extent that the association or consorting represents a threat to the  
527 conduct of contests in the public's interest within the state, or a threat to the health, safety, and  
528 welfare of the applicant or a licensed contestant;]

529 [~~(v)~~ (ii) is not engaging in illegal gambling with respect to sporting events or gambling  
530 with respect to a contest in which the applicant is participating;

531 [~~(vi)~~ (iii) has not been found in [~~an administrative;~~] a criminal[;] or civil proceeding to  
532 have engaged in or attempted to have engaged in any fraud or misrepresentation in connection  
533 with a contest or any other sporting event; and

534 [~~(vii)~~ (iv) has not been found in [~~an administrative;~~] a criminal[;] or civil proceeding  
535 to have violated or attempted to violate any law with respect to contests in any jurisdiction or  
536 any law, rule, or order relating to the regulation of contests in this state or any other  
537 jurisdiction;

538 (d) acknowledge in writing to the commission receipt, understanding, and intent to  
539 comply with this chapter and the rules made under this chapter;

540 (e) provide evidence satisfactory to the commission that the applicant is qualified by  
541 training and experience to competently act as a referee or judge in a contest; and

542 (f) if requested by the commission or the secretary, meet with the commission or the  
543 secretary to examine the applicant's qualifications for licensure.

544 [~~(8) Each applicant for licensure as a security guard shall:]~~

545 [~~(a) submit an application in a form prescribed by the commission;]~~

546 [~~(b) pay the fee determined by the department under Section 63-38-3.2; and]~~

547 [~~(c) provide the commission with evidence of the applicant's qualifications as a  
548 security guard.]~~

549 [~~(9)~~ (8) (a) A licensee serves at the pleasure, and under the direction, of the  
550 commission while participating in any way at a contest.

551 (b) A licensee's license may be suspended, or a fine imposed, if the licensee does not  
552 follow the commission's direction at an event or contest.

553 Section 9. Section **9-16-302**, which is renumbered from Section 13-33-302 is  
554 renumbered and amended to read:

555 ~~[13-33-302]~~. **9-16-302. Term of license -- Expiration -- Renewal.**

556 (1) (a) The commission shall issue each license under this chapter in accordance with a  
557 two-year renewal cycle established by rule.

558 (b) The commission may by rule extend or shorten a renewal period by as much as one  
559 year to stagger the renewal cycles it administers.

560 (2) At the time of renewal, the licensee shall show satisfactory evidence of compliance  
561 with renewal requirements established by rule by the commission.

562 (3) Each license automatically expires on the expiration date shown on the license  
563 unless the licensee renews it in accordance with the rules established by the commission.

564 Section 10. Section **9-16-303**, which is renumbered from Section 13-33-303 is  
565 renumbered and amended to read:

566 ~~[13-33-303]~~. **9-16-303. Grounds for denial of license -- Disciplinary**  
567 **proceedings -- Reinstatement.**

568 (1) The commission shall refuse to issue a license to an applicant and shall refuse to  
569 renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of  
570 a licensee who does not meet the qualifications for licensure under this chapter.

571 (2) The commission may refuse to issue a license to an applicant and may refuse to  
572 renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand  
573 to, or otherwise act upon the license of any licensee ~~[in any of the following cases]~~ if:

574 (a) the applicant or licensee has engaged in unlawful or unprofessional conduct, as  
575 defined by statute or rule under this chapter;

576 (b) the applicant or licensee has been determined to be mentally incompetent for any  
577 reason by a court of competent jurisdiction; or

578 (c) the applicant or licensee is unable to practice the occupation or profession with  
579 reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics,  
580 chemicals, or any other type of material, or as a result of any other mental or physical  
581 condition, when the licensee's condition demonstrates a threat or potential threat to the public  
582 health, safety, or welfare.

583 (3) Any licensee whose license under this chapter has been suspended, revoked, or

584 restricted may apply for reinstatement of the license at reasonable intervals and upon  
585 compliance with any conditions imposed upon the licensee by statute, rule, or terms of the  
586 license suspension, revocation, or restriction.

587 (4) The commission may issue cease and desist orders:

588 (a) to a licensee or applicant who may be disciplined under Subsection (1) or (2); and

589 (b) to any person who otherwise violates this chapter or any rules adopted under this  
590 title.

591 (5) (a) The commission may impose an administrative fine for acts of unprofessional or  
592 unlawful conduct under this chapter.

593 (b) An administrative fine under this Subsection (5) may not exceed \$2,500 for each  
594 separate act of unprofessional or unlawful conduct.

595 (c) The commission shall comply with Title 63, Chapter 46b, Administrative  
596 Procedures Act, in any action to impose an administrative fine under this chapter.

597 (d) The imposition of a fine under this Subsection (5) does not affect any other action  
598 the commission or department may take concerning a license issued under this chapter.

599 (6) (a) The commission may not take disciplinary action against any person for  
600 unlawful or unprofessional conduct under this title, unless the commission initiates an  
601 adjudicative proceeding regarding the conduct within four years after the conduct is reported to  
602 the commission, except under Subsection (6)(b).

603 (b) The commission may not take disciplinary action against any person for unlawful  
604 or unprofessional conduct more than ten years after the occurrence of the conduct, unless the  
605 proceeding is in response to a civil or criminal judgment or settlement and the proceeding is  
606 initiated within one year following the judgment or settlement.

607 (7) (a) Notwithstanding Title 63, Chapter 46b, Administrative Procedures Act, the  
608 following ~~[have the authority to]~~ may immediately suspend the license of a licensee at such  
609 time and for such period that the following believes is necessary to protect the health, safety,  
610 and welfare of the licensee, another licensee, or the public:

611 (i) the commission;

612 (ii) a designated commission member; or

613 (iii) if a designated commission member is not present, the secretary.

614 (b) The commission shall establish by rule appropriate procedures to invoke the

615 suspension and to provide a suspended licensee a right to a hearing before the commission with  
 616 respect to the suspension within a reasonable time after the suspension.

617 Section 11. Section **9-16-304**, which is renumbered from Section 13-33-304 is  
 618 renumbered and amended to read:

619 ~~[13-33-304].~~ **9-16-304. Additional fees for license of promoter --**  
 620 **Dedicated credits -- Promotion of contests -- Annual exemption of showcase event.**

621 (1) In addition to the payment of any other fees and money due under this chapter,  
 622 every promoter shall pay a license fee of:

623 ~~[(a) 3% of the total gross receipts from admission fees to each live contest or~~  
 624 ~~exhibition, exclusive of any other state or federal tax or tax imposed by any political~~  
 625 ~~subdivision of this state; and]~~

626 (a) (i) \$100 for a contest or event occurring in a venue of fewer than 200 seats;

627 (ii) \$200 for a contest or event occurring in a venue of at least 200 but fewer than 500  
 628 seats;

629 (iii) \$300 for a contest or event occurring in a venue of at least 500 seats but fewer than  
 630 1,000 seats;

631 (iv) \$400 for a contest or event occurring in a venue of at least 1,000 seats but fewer  
 632 than 3,000 seats; or

633 (v) \$600 for a contest or event occurring in a venue of at least 3,000 seats; and

634 (b) 3% of total gross receipts from the sale, lease, or other exploitation of broadcasting,  
 635 television, and motion picture rights for each contest or exhibition.

636 ~~[(2) The license fees due under Subsection (1) shall be calculated without any~~  
 637 ~~deductions for commissions, brokerage fees, distribution fees, advertising, contestants' purses,~~  
 638 ~~or any other expenses or charges.]~~

639 ~~[(3)]~~ (2) (a) One-half of license fees collected under Subsection (1)(a) from  
 640 professional boxing contests or exhibitions shall be deposited in the General Fund.

641 (b) One-half of license fees collected under Subsection (1)(a) from professional boxing  
 642 contests or exhibitions shall be retained by the commission as a dedicated credit to be used by  
 643 the commission to award grants to organizations [which] that promote amateur boxing in the  
 644 state.

645 ~~[(4)]~~ (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking

646 Act, the commission shall adopt rules:

647 ~~[(a) requiring that the number and face value of all complimentary tickets be reported;]~~

648 ~~[(b) governing the treatment of complimentary tickets for the purposes of computing~~  
649 ~~gross receipts from admission fees under Subsection (1);]~~

650 ~~[(c)]~~ (a) governing the manner in which applications for grants under Subsection (3)  
651 may be submitted to the commission; and

652 ~~[(d)]~~ (b) establishing standards for awarding grants under Subsection (3) to  
653 organizations which promote amateur boxing in the state.

654 ~~[(5)]~~ (4) (a) For the purpose of creating a greater interest in contests in the state, the  
655 commission may exempt from the payment of license fees under this section one contest or  
656 exhibition in each calendar year, intended as a showcase event.

657 (b) The commission shall select the contest or exhibition to be exempted based on  
658 factors which include:

659 ~~[(a)]~~ (i) attraction of the optimum number of spectators;

660 ~~[(b)]~~ (ii) costs of promoting and producing the contest or exhibition;

661 ~~[(c)]~~ (iii) ticket pricing;

662 ~~[(d)]~~ (iv) committed promotions and advertising of the contest or exhibition;

663 ~~[(e)]~~ (v) rankings and quality of the contestants; and

664 ~~[(f)]~~ (vi) committed television and other media coverage of the contest or exhibition.

665 Section 12. Section **9-16-305**, which is renumbered from Section 13-33-305 is  
666 renumbered and amended to read:

667 ~~[13-33-305].~~ **9-16-305. Transition of licenses.**

668 (1) A license that was issued by the ~~[Division of Occupational and Professional~~  
669 ~~Licensing] Department of Commerce~~ under Title ~~[58] 13~~, Chapter ~~[66] 33~~, ~~[Utah Professional~~  
670 ~~Boxing Regulation Act, prior to]~~ Pete Suazo Utah Athletic Commission Act, before July 1,  
671 ~~[2001] 2007~~, shall:

672 (a) be considered a valid license under this chapter until the expiration date indicated  
673 on the license;

674 (b) be subject to the provisions of this chapter, including provisions relating to  
675 disciplinary action against the license; and

676 (c) not be renewed under Title 58, Occupations and Professions.

677 (2) Upon the expiration of a license described in Subsection (1), a person desiring to  
678 continue licensure in the profession shall meet the same requirements as those required for new  
679 licensure under Section ~~[13-33-301]~~ 9-16-301.

680 Section 13. Section **9-16-401**, which is renumbered from Section 13-33-401 is  
681 renumbered and amended to read:

682 **Part 4. Contests**

683 ~~[13-33-401]~~. **9-16-401. Jurisdiction of commission.**

684 (1) (a) The commission has ~~[and is vested with]~~ the sole authority concerning  
685 direction, management, control, and jurisdiction over all contests or exhibitions of unarmed  
686 combat to be conducted, held, or given within this state.

687 (b) A contest or exhibition may not be conducted, held, or given within this state  
688 except in accordance with this chapter.

689 (2) Any contest involving a form of unarmed self-defense must be conducted pursuant  
690 to rules for that form which are approved by the commission before the contest is conducted,  
691 held, or given.

692 (3) (a) An area not less than six feet from the perimeter of the ring shall be reserved for  
693 the use of:

- 694 (i) the designated commission member;
- 695 (ii) other commission members in attendance;
- 696 (iii) the secretary;
- 697 (iv) commission employees;
- 698 (v) officials;
- 699 (vi) licensees participating or assisting in the contest; and
- 700 (vii) others granted credentials by the commission.

701 (b) The promoter shall provide security at the direction of the commission or  
702 designated commission member to secure the area described in Subsection (3)(a).

703 (4) The area described in Subsection (3), area in the dressing rooms, and other areas  
704 considered necessary by the designated commission member for the safety and welfare of a  
705 licensee and the public shall be reserved for the use of:

- 706 (a) the designated commission member;
- 707 (b) other commission members in attendance;

- 708 (c) the secretary;
- 709 (d) commission employees;
- 710 (e) officials;
- 711 (f) licensees participating or assisting in the contest; and
- 712 (g) others granted credentials by the commission.

713 (5) The promoter shall provide security at the direction of the commission or  
714 designated commission member to secure the areas described in Subsections (3) and (4).

715 (6) (a) The designated commission member may direct the removal from the contest  
716 venue and premises, of any individual whose actions:

- 717 (i) are disruptive to the safe conduct of the contest; or
- 718 (ii) pose a danger to the safety and welfare of the licensees, the commission, or the  
719 public.

720 (b) The promoter shall provide security at the direction of the commission or  
721 designated commission member to effectuate a removal under Subsection (6)(a).

722 Section 14. Section **9-16-402**, which is renumbered from Section 13-33-402 is  
723 renumbered and amended to read:

724 ~~[13-33-402].~~ **9-16-402. Club fighting prohibited.**

- 725 (1) Club fighting is prohibited.
- 726 (2) Any person who publicizes, promotes, conducts, or engages in a club fighting  
727 match is:

- 728 (a) guilty of a class A misdemeanor as provided in Section 76-9-705; and
- 729 (b) subject to license revocation under this chapter.

730 Section 15. Section **9-16-403**, which is renumbered from Section 13-33-403 is  
731 renumbered and amended to read:

732 ~~[13-33-403].~~ **9-16-403. Approval to hold contest or promotion -- Bond**  
733 **required.**

734 (1) An application to hold a contest or multiple contests as part of a single promotion  
735 shall be made by a licensed promoter to the commission on forms provided by the commission.

736 (2) The application shall be accompanied by a contest fee determined by the  
737 ~~[department]~~ commission under Section 63-38-3.2.

738 (3) (a) The commission may approve or deny approval to hold a contest or promotion

739 permitted under this chapter.

740 (b) Provisional approval under Subsection (3)(a) shall be granted upon a determination  
741 by the commission that:

742 (i) the promoter of the contest or promotion is properly licensed;

743 (ii) a bond meeting the requirements of Subsection ~~[(5)]~~ (6) has been posted by the  
744 promoter of the contest or promotion; and

745 (iii) the contest or promotion will be held in accordance with this chapter and rules  
746 made under this chapter.

747 (4) (a) Final approval to hold a contest or promotion may not be granted unless the  
748 ~~[promoter provides to the]~~ commission receives not less than seven days before the day of the  
749 contest with ten or more rounds:

750 ~~[(a)]~~ (i) proof of a negative HIV test performed not more than 180 days before the day  
751 of the contest for each contestant;

752 ~~[(b)]~~ (ii) a copy of each contestant's federal identification card;

753 ~~[(c)]~~ (iii) a copy of a signed contract between each contestant and the promoter for the  
754 contest;

755 ~~[(d)]~~ (iv) a statement specifying the maximum number of rounds of the contest;

756 ~~[(e)]~~ (v) a statement specifying the site, date, and time of weigh-in; and

757 ~~[(f)]~~ (vi) the name of the physician selected from among a list of registered and  
758 commission-approved ringside physicians who shall act as ringside physician for the contest.

759 (b) Notwithstanding Subsection (4)(a), the commission may approve a contest or  
760 promotion if the requirements under Subsection (4)(a) are not met because of unforeseen  
761 circumstances beyond the promoter's control.

762 (5) Final approval for a contest under ten rounds in duration may be granted as  
763 determined by the commission after receiving the materials identified in Subsection (4) at a  
764 time determined by the commission.

765 ~~[(5)]~~ (6) An applicant shall post a surety bond or cashier's check with the commission  
766 in the greater of \$10,000 or the amount of the purse, providing for forfeiture and disbursement  
767 of the proceeds if the applicant fails to comply with:

768 (a) the requirements of this chapter; or

769 (b) rules made under this chapter relating to the promotion or conduct of the contest or

770 promotion.

771 Section 16. Section **9-16-404**, which is renumbered from Section 13-33-404 is  
772 renumbered and amended to read:

773 ~~[13-33-404]~~. **9-16-404. Rules for the conduct of contests.**

774 (1) The commission shall adopt rules in accordance with ~~[the provisions of]~~ Title 63,  
775 Chapter 46a, Utah Administrative Rulemaking Act, for the conduct of contests in the state.

776 (2) The rules shall include:

777 (a) authority for:

778 (i) stopping contests~~[-];~~ and

779 (ii) impounding purses with respect to contests when there is a question with respect to  
780 the contest, contestants, or any other licensee associated with the contest~~[-];~~ and

781 (b) reasonable and necessary provisions to ensure that all obligations of a promoter  
782 with respect to any promotion or contest are paid in accordance with agreements made by the  
783 promoter.

784 (3) (a) The commission may, in its discretion, exempt a contest and each contestant  
785 from the definition of unprofessional conduct found in Subsection ~~[13-33-102(27)(f)]~~

786 9-16-102(26)(f) after:

787 (i) a promoter requests the exemption; and

788 (ii) the commission considers relevant factors, including:

789 (A) the experience of the contestants;

790 (B) the win and loss records of each contestant;

791 (C) each contestant's level of training; and

792 (D) any other evidence relevant to the contestants' professionalism and the ability to  
793 safely conduct the contest.

794 (b) The commission's hearing of a request for an exemption under this Subsection (3)  
795 is an informal adjudicative proceeding under Section 63-46b-4.

796 (c) The commission's decision to grant or deny a request for an exemption under this  
797 Subsection (3) is not subject to agency review under Section 63-46b-12.

798 Section 17. Section **9-16-405**, which is renumbered from Section 13-33-405 is  
799 renumbered and amended to read:

800 ~~[13-33-405]~~. **9-16-405. Medical examinations and drug tests.**

801 (1) The commission shall adopt rules in accordance with Title 63, Chapter 46a, Utah  
802 Administrative Rulemaking Act, for medical examinations and drug testing of contestants,  
803 including provisions under which contestants shall:

804 [~~(1) provisions under which contestants shall~~]

805 (a) produce evidence based upon competent laboratory examination that they are HIV  
806 negative as a condition of participating as a contestant in any contest;

807 [~~(2) provisions under which contestants shall~~]

808 (b) be subject to random drug testing before or after participation in a contest, and  
809 sanctions, including barring participation in a contest or withholding a percentage of any purse,  
810 that shall be placed against a contestant testing positive for alcohol or any other drug that in the  
811 opinion of the commission is inconsistent with the safe and competent participation of that  
812 contestant in a contest;

813 [~~(3) provisions under which contestants shall~~]

814 (c) be subject to a medical examination by the ringside physician not more than 30  
815 hours before the contest to identify any physical ailment or communicable disease that, in the  
816 opinion of the commission or designated commission member, are inconsistent with the safe  
817 and competent participation of that contestant in the contest; and

818 [~~(4) provisions under which contestants shall~~]

819 (d) be subject to medical testing for communicable diseases as considered necessary by  
820 the commission to protect the health, safety, and welfare of the licensees and the public.

821 (2) (a) Medical information concerning a contestant shall be provided by the contestant  
822 or medical professional or laboratory.

823 (b) A promoter or manager may not provide to or receive from the commission medical  
824 information concerning a contestant.

825 Section 18. Section **9-16-406**, which is renumbered from Section 13-33-406 is  
826 renumbered and amended to read:

827 [~~13-33-406~~]. **9-16-406. Contests.**

828 (1) Except as provided in Section [~~13-33-508~~] 9-16-504, a licensee may not participate  
829 in:

830 (a) a boxing contest as a contestant if that person has participated in another boxing  
831 contest as a contestant within 30 days before the proposed boxing contest; or

832 (b) an ultimate fighting contest as a contestant if that person has participated in another  
833 ultimate fighting contest as a contestant within six days before the proposed ultimate fighting  
834 contest.

835 (2) Subsection (1) applies regardless of where the previous boxing contest occurred.

836 (3) During the period of time beginning 60 minutes before the beginning of a contest,  
837 the promoter shall demonstrate the promoter's compliance with the commission's security  
838 requirements to all commission members present at the contest.

839 ~~[(4) A venue at which a contest is to be held that has the capacity to host more than  
840 5,000 people need not have commission licensed security guards to provide security at a  
841 contest.]~~

842 ~~[(5)]~~ (4) The commission shall establish fees in accordance with Section 63-38-3.2 to  
843 be paid by a promoter for the conduct of each contest or event composed of multiple contests  
844 conducted under this chapter.

845 Section 19. Section **9-16-407** is enacted to read:

846 **9-16-407. Ringside physician.**

847 (1) The commission shall maintain a list of ringside physicians who hold a Doctor of  
848 Medicine (MD) degree and are registered with the commission as approved to act as a ringside  
849 physician and meeting the requirements of Subsection (2).

850 (2) (a) The commission shall appoint a registered ringside physician to perform the  
851 duties of a ringside physician at each contest held pursuant to this chapter.

852 (b) The promoter of a contest shall pay a fee determined by the commission by rule to  
853 the commission for a ringside physician.

854 (3) An applicant for registration as a ringside physician shall:

855 (a) submit an application for registration;

856 (b) provide the commission with evidence of the applicant's licensure to practice  
857 medicine in the state; and

858 (c) satisfy minimum qualifications established by the department by rule.

859 (4) A ringside physician at attendance at a contest may:

860 (a) stop the contest at any point if the ringside physician determines that a contestant's  
861 physical condition renders the contestant unable to safely continue the contest; and

862 (b) works under the direction of the commission.

863 Section 20. Section **9-16-408**, which is renumbered from Section 13-33-503 is  
864 renumbered and amended to read:

865 ~~[13-33-503]~~. **9-16-408. Contracts.**

866 Before a contest is held, a copy of the signed contract or agreement between the  
867 promoter of the contest and each contestant shall be filed with the commission. Approval of  
868 the contract's terms and conditions shall be obtained from the commission as a condition  
869 precedent to the contest.

870 Section 21. Section **9-16-409**, which is renumbered from Section 13-33-504 is  
871 renumbered and amended to read:

872 ~~[13-33-504]~~. **9-16-409. Withholding of purse.**

873 (1) The commission, the secretary, or any other agent authorized by the commission  
874 may order a promoter to withhold any part of a purse or other money belonging or payable to  
875 any contestant, manager, or second if, in the judgment of the commission, secretary, or other  
876 agent:

877 (a) the contestant is not competing honestly or to the best of his skill and ability or the  
878 contestant otherwise violates any rules adopted by the commission or any of the provisions of  
879 this chapter; or

880 (b) the manager or second violates any rules adopted by the commission or any of the  
881 provisions of this chapter.

882 (2) This section does not apply to any contestant in a wrestling exhibition who appears  
883 not to be competing honestly or to the best of his skill and ability.

884 (3) Upon the withholding of any part of a purse or other money pursuant to this section,  
885 the commission shall immediately schedule a hearing on the matter, provide adequate notice to  
886 all interested parties, and dispose of the matter as promptly as possible.

887 (4) If it is determined that a contestant, manager, or second is not entitled to any part of  
888 his share of the purse or other money, the promoter shall pay the money over to the  
889 commission.

890 Section 22. Section **9-16-501**, which is renumbered from Section 13-33-505 is  
891 renumbered and amended to read:

892 **Part 5. Miscellaneous Provisions**

893 ~~[13-33-505]~~. **9-16-501. Penalty for unlawful conduct.**

894 A person who engages in any act of unlawful conduct, as defined in Section  
895 [~~13-33-102~~] 9-16-102, is guilty of a class A misdemeanor.

896 Section 23. Section **9-16-502**, which is renumbered from Section 13-33-506 is  
897 renumbered and amended to read:

898 ~~[13-33-506]~~. **9-16-502. Exemptions.**

899 ~~[The provisions of this]~~ This chapter ~~[do]~~ does not apply to:

900 (1) any amateur contests or exhibitions of unarmed combat conducted by or  
901 participated in exclusively by:

902 (a) a school accredited by the Utah Board of Education;

903 (b) a college or university accredited by the United States Department of Education; or

904 (c) any association or organization of a school, college, or university described in

905 Subsections (1)(a) and (b), when each participant in the contests or exhibitions is a bona fide  
906 student in the school, college, or university; ~~[or]~~

907 (2) any contest or exhibition of unarmed combat conducted in accordance with the  
908 standards and regulations of USA Boxing, Inc.; or

909 (3) a white-collar contest.

910 Section 24. Section **9-16-503**, which is renumbered from Section 13-33-507 is  
911 renumbered and amended to read:

912 ~~[13-33-507]~~. **9-16-503. Contest weights and classes -- Matching**  
913 **contestants.**

914 (1) Boxing contest weights and classes are established as follows:

915 (a) strawweight is up to and including 105 lbs. (47.627 kgs.);

916 (b) light-flyweight is over 105 lbs. (47.627 kgs.) to 108 lbs. (48.988 kgs.);

917 (c) flyweight is over 108 lbs (48.988 kgs.) to 112 lbs. (50.802 kgs.);

918 (d) super flyweight is over 112 lbs. (50.802 kgs.) to 115 lbs. (52.163 kgs.);

919 (e) bantamweight is over 115 lbs. (52.163 kgs.) to 118 lbs. (53.524 kgs.);

920 (f) super bantamweight is over 118 lbs. (53.524 kgs.) to 122 lbs. (55.338 kgs.);

921 (g) featherweight is over 122 lbs. (55.338 kgs.) to 126 lbs. (57.153 kgs.);

922 (h) super featherweight is over 126 lbs. (57.153 kgs.) to 130 lbs. (58.967 kgs.);

923 (i) lightweight is over 130 lbs. (58.967 kgs.) to 135 lbs. (61.235 kgs.);

924 (j) super lightweight is over 135 lbs. (61.235 kgs.) to 140 lbs. (63.503 kgs.);

- 925 (k) welterweight is over 140 lbs. (63.503 kgs.) to 147 lbs. (66.678 kgs.);
- 926 (l) super welterweight is over 147 lbs. (66.678 kgs.) to 154 lbs. (69.853 kgs.);
- 927 (m) middleweight is over 154 lbs. (69.853 kgs.) to 160 lbs. (72.574 kgs.);
- 928 (n) super middleweight is over 160 lbs. (72.574 kgs.) to 168 lbs. (76.204 kgs.);
- 929 (o) light-heavyweight is over 168 lbs. (76.204 kgs.) to 175 lbs. (79.378 kgs.);
- 930 (p) cruiserweight is over 175 lbs. (79.378 kgs.) to 200 lbs. (90.720 kgs.); and
- 931 (q) heavyweight is over 200 lbs. (90.720 kgs.).
- 932 (2) Contest weights and classes for unarmed combat that is not boxing are established
- 933 as follows:
- 934 (a) flyweight is up to and including 125 lbs. (56.82 kgs.);
- 935 (b) bantamweight is over 125 lbs. (56.82 kgs.) to 135 lbs. (61.36 kgs.);
- 936 (c) featherweight is over 135 lbs (61.36 kgs.) to 145 lbs. (65.91 kgs.);
- 937 (d) lightweight is over 145 lbs. (65.91 kgs.) to 155 lbs. (70.45 kgs.);
- 938 (e) welterweight is over 155 lbs. (70.45 kgs.) to 170 lbs. (77.27 kgs.);
- 939 (f) middleweight is over 170 lbs. (77.27 kgs.) to 185 lbs. (84.09 kgs.);
- 940 (g) light-heavyweight is over 185 lbs. (84.09 kgs.) to 205 lbs. (93.18 kgs.);
- 941 (h) heavyweight is over 205 lbs. (93.18 kgs.) to 265 lbs. (120.45 kgs.);
- 942 (i) super heavyweight is over 265 lbs. (120.45 kgs.).
- 943 (3) As to any unarmed combat contest, a contestant may not fight another contestant
- 944 who is outside of the contestant's weight classification.
- 945 (4) As to any unarmed combat contest:
- 946 (a) a contestant who has contracted to participate in a given weight class may not be
- 947 permitted to compete if the contestant is not within that weight class at the weigh-in; and
- 948 (b) a contestant may have two hours to attempt to gain or lose not more than three
- 949 pounds in order to be reweighed.
- 950 (5) (a) As to any unarmed combat contest, the commission may not allow a contest in
- 951 which the contestants are not fairly matched.
- 952 (b) Factors in determining if contestants are fairly matched include:
- 953 (i) the win-loss record of the contestants;
- 954 (ii) the weight differential between the contestants;
- 955 (iii) the caliber of opponents for each contestant;

956 (iv) each contestant's number of fights; and

957 (v) previous suspensions or disciplinary actions of the contestants.

958 Section 25. Section **9-16-504**, which is renumbered from Section 13-33-508 is  
959 renumbered and amended to read:

960 ~~[13-33-508]~~. **9-16-504. Elimination boxing contests -- Conduct of contests**  
961 **-- Applicability of provisions -- Limitations on license -- Duration of contests --**  
962 **Equipment -- Limitations on contests.**

963 (1) An elimination boxing contest shall be conducted under the supervision and  
964 authority of the commission.

965 (2) Except as otherwise provided in this section and except as otherwise provided by  
966 specific statute, the provisions of this chapter pertaining to boxing apply to an elimination  
967 boxing contest.

968 (3) (a) All contests in an elimination boxing contest shall be no more than three rounds  
969 in duration.

970 (b) A round of unarmed combat in an elimination boxing contest shall be no more than  
971 one minute in duration.

972 (c) A period of rest following a round shall be no more than one minute in duration.

973 (4) A contestant:

974 (a) shall wear gloves that weigh 16 ounces; and

975 (b) shall wear headgear approved by the commission, the designated commission  
976 member, or the secretary if a designated commission member is not present.

977 (5) A contestant may participate in more than one contest, but may not box more than a  
978 total of seven rounds in the entire tournament.

979 Section 26. Section **9-16-505** is enacted to read:

980 **9-16-505. Commission rulemaking.**

981 The commission may make rules governing the conduct of a contest held under this  
982 chapter to protect the health and safety of licensees and members of the public.

983 Section 27. **Repealer.**

984 This bill repeals:

985 Section **13-33-502, Reports to commission.**

986 Section 28. **Transition provisions.**

987           (1) Beginning on July 1, 2007, the commissioners appointed to the Pete Suazo Utah  
988 Athletic Commission shall:

989           (a) hire a secretary under Section 9-16-203, and other staff that may be required,  
990 consistent with budgetary constraints; and

991           (b) form an ad hoc working group of stakeholders representing various boxing  
992 interests, and those with an interest in other forms of unarmed combat, to consider any  
993 necessary or desirable statutory and administrative changes concerning boxing and other forms  
994 of unarmed combat, including the establishment of separate regulation of boxing and other  
995 forms of unarmed combat.

996           (2) The working group established under Subsection (1)(b) shall report its findings,  
997 including any suggestions for legislation, to the Legislature's Business and Labor Interim  
998 Committee by the committee's November 2007 meeting.

999           Section 29. **Effective date.**

1000           This bill takes effect on July 1, 2007.

1001           Section 30. **Coordinating S.B. 162 with S.B. 167 -- Superseding amendments.**

1002           If this S.B. 162 and S.B. 167, Utah Sports Authority, both pass, it is the intent of the  
1003 Legislature that this S.B. 162 does not take effect.

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**S.B. 162 2nd Sub. (Salmon) - Pete Suazo Utah Athletic Commission**

**Fiscal Note**

2007 General Session  
State of Utah

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**State Impact**

Enactment of this bill would transfer funding and oversight responsibility related to the Pete Suazo Athletic Commission from the Department of Commerce to the Department of Community and Culture. Currently the Commission is funded through Commerce Service Fund revenue. In order to enact the transfer Commerce Service Fund appropriations would have to lapse to the General Fund creating a General Fund revenue source to appropriate from. The amount of the transfer proposed is \$170,000 in FY 2008 and FY 2009. In addition, the Department of Community and Culture will need a one-time appropriation of \$17,500 (General Funds) for costs related to the move from the Department of Commerce.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
General Fund	\$0	\$170,000	\$170,000	\$0	\$170,000	\$170,000
General Fund, One-Time	\$0	\$17,500	\$0	\$0	\$0	\$0
Commerce Service Fund	\$0	(\$170,000)	(\$170,000)	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$17,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$170,000</b>	<b>\$170,000</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.